REMARKS

Kindly disregard the amendment dated September 16, 2004 and replace that amendment with this amendment.

Reconsideration of the application is requested.

Applicant appreciatively acknowledges the Examiner's confirmation in item 3 on page 2 indicating receipt of applicant's information disclosure statements (IDS) filed October 27, 2003 and December 3, 2003, and consideration thereof.

Claims 1-17 are in the application. Claims 1-10 were rejected and claims 11-17 were objected to in the above-identified Office Action. Claims 2-9 and 11 have been amended.

Initially, applicant appreciatively acknowledges the Examiner's statement in item 16 on page 7 that claims 11-17 "would be allowable if rewritten to overcome the rejection(s) under 35 USC § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims." In light of the above, applicant has rewritten claim 11 as suggested by the Examiner. As such, claims 11-17 are believed to be in condition for immediate allowance.

In "Drawings" item 5 on page 3 of the above-identified Office Action, the Examiner objected to the drawing because of two (2) informalities. Specifically, the Examiner objected to the drawing because the submitted figure was not labeled and items 2 and 3 were mislabeled. With respect to the first objection, the applicant respectfully traverses, because the suggested action would be improper under 37 C.F.R. § 1.84(u), which states:

> (u) Numbering of views.
>
>> (1) The different views must be numbered in consecutive Arabic numerals, starting with 1, independent of the numbering of the sheets and, if possible, in the order in which they appear on the drawing sheet(s). Partial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a capital letter. View numbers must be preceded by the abbreviation "FIG." **Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear.**
>>
>> (2) Numbers and letters identifying the views must be simple and clear and must not be used in association with brackets, circles, or inverted commas. The view numbers must be larger than the numbers used for reference characters.

Clearly, as there is only one view in the instant application, it should not be numbered, nor should the abbreviation "FIG." appear on the sheet as suggested in the above-identified Office Action.

With respect to the second objection, requiring that the view to use "storage elements" or "set of storage elements" instead of "storage element" in association with label 2 and label 3, the Examiner's suggested corrections have been made. As amended, the view clearly illustrates a first set of storage elements and a second set of storage elements.

In "Specification" item 6 on page 3 of the above-identified Office Action, the Examiner objected to the abstract because of two (2) informalities. The Examiner's suggested corrections have been made.

In "Specification" item 7 on page 4 of the above-identified Office Action, the Examiner objected to the title because the title of the invention was allegedly not descriptive. The corrections suggested by the Examiner have been made.

In "Claim Rejections - 35 USC § 112" item 9 on page 5 of the above-identified Office Action, claims 2-9 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, in item 11 on page 5 the Examiner states that in claim 3 the term "low capacity utilization" is not defined sufficiently by the claim. Claim 3 has been amended

in an effort to clarify the meaning. Specifically, jointly

utilized components typically exhibit a ratio of capacity

versus utilization. For example, a component with sufficient

capacity to at least double its utilization is an obvious

candidate to be jointly utilized in a configuration with two

CAN buses. Thus, by measuring a component's utilization in

relation to a single CAN bus, one of skill in the art can

approximately determine whether sufficient capacity exists for

the component to be jointly utilized. Some components, if

they are to be jointly utilized, can even combine many of

their operations because the same operations would be needed

on both buses or at both of nodes. Thus, while other factors

must be considered in ultimately determining whether a

component of the CAN module can be jointly utilized, capacity

utilization is a valuable factor to one of skill in the art.

As such, it is believed that amended claim 3 satisfies the

requisite degree of definition for one of skill in the art.

In item 10 on page 5 of "Claim Rejections - 35 USC § 112" the

Examiner states that there is insufficient antecedent basis in

claim 2 for the limitation "components whose state is

represented by the sets of data stored" in reference to claim

1, because "claim 1 claims sets of data representing different

states of a *CAN module*." Applicant respectfully traverses the

rejection.

The "at least one jointly utilized **component of the CAN**

module" in amended claim 2 is clearly a constituent element of

the CAN module and thus has proper antecedent basis in claim

1. Moreover, page 7, lines 13-26 of the specification of the

instant application clarifies:

> a plurality of sets of storage elements for storing a
> plurality of sets of data **representing different states**
> **of the CAN module** … [make] it possible for **the CAN module**
> **or parts thereof** to be switched back and forth between
> different states, which in turn opens up the possibility
> of using **the CAN module or parts thereof** alternately for
> operating with a plurality of CAN buses.
>
> **The states represented by the data sets** which can be
> stored in the plurality of sets of storage elements **are,**
> in particular, **the states of components of the CAN module**
> which have low capacity utilization.

Clearly, the states represented by the sets of data stored in

claim 1 include "the states of components of the CAN module"

as indicated in the claims and specification. As amended

claim 2 now recites, "at least one jointly utilized component

of the CAN module" and is adequately supported in claim 1.

Support for these changes may be found, among other places, on

page 7, lines 13-26 of the specification of the instant

application (provided above).

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

In "Claim Rejections - 35 USC § 102" item 13 on page 6 of the above-identified Office Action, claims 1-2, 4, 9, and 10 have been rejected as being fully anticipated by U.S. Patent No. 5,600,782 to *Thomson* (hereinafter **THOMSON**) under 35 U.S.C. § 102(b).

In "Claim Rejections - 35 USC § 103" item 15 on page 7 of the above-identified Office Action, claim 3 has been rejected as being obvious over **THOMSON** in view of applicant's alleged admission of prior art (hereinafter **AAAPA**) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that
a brief review of the invention as claimed, would be helpful.
Claim 1 calls for, *inter alia*, a controller area network (CAN)
module, including a plurality of sets of storage elements for
storing a plurality of sets of data **representing different
states of the CAN module.**

Independent claims 10 and 11 contain similar language.

Claim 2 is dependent on claim 1 and calls for, *inter alia*, a
CAN module according to claim 1 including:

> **a first CAN node;**
>
> **a second CAN node;** and
>
> **at least one jointly utilized component of the CAN module**
> having a state represented by the sets of data stored in
> said sets of storage elements and **configured to be
> connected alternately to one of said first CAN node and
> to said second CAN node.**

The **THOMSON** reference discloses a CAN interface with enhanced
fault confinement. More specifically, contrary to the
Examiner's assertion on page 6 of the above-identified Office
Action, **THOMSON** only discloses a CAN interface with only **a
single CAN node** to the CAN bus. The Abstract of **THOMSON**
clearly explains, "A CAN node having an enhanced fault
recovery system is disclosed. **The CAN node** includes a CAN
protocol controller device which reconnects to **a CAN bus** from
the node's busoff state only after the node has successfully

decoded **128 good messages from other devices on the CAN bus.**"

Thus, there is only **one** CAN node disclosed in **THOMSON**.

Moreover, even though figure 4 of **THOMSON** does describe two

transmit registers and two receive registers, all four

"registers" are part of a single CAN node. This fact is

further emphasized by the fact that there is only one BTL Bit

Time Logic 38A in the **THOMSON** CAN interface of Figure 4.

In contrast, claim 1 indicates that the data being stored in

the "plurality of sets of storage elements" represents

"different states of the CAN module" that are used to attach

to multiple CAN buses. These different states are necessary

to operate with multiple CAN nodes. Whereas, **THOMSON** is

clearly limited to a single CAN node.

Moreover, claim 2 of the instant application recites "a first

CAN node" and "a second CAN node"

Clearly, **THOMSON** does not show a "plurality of sets of storage

elements representing **different states of the CAN module**" as

recited in claims 1 of the instant application. Similar

language requiring "storage elements for storing data

representing different states of the CAN module" can be found

in claim 10 of the instant application.

Furthermore, **THOMSON** does not teach or suggest the use of "a first CAN node" and "a second CAN node" within a single CAN module as recited in claim 2 of the instant application.

With regards to claim 3, while the applicant agrees that the **AAAPA** does indicate that those parts "subject to little capacity utilization" include among other parts of the CAN module "the so-called bit stream processor (BSP)." Clearly, **AAAPA** does not teach or suggest "jointly" utilizing the BSP for the use of "a first CAN node" and "a second CAN node" within a single CAN module as recited in claim 2 of the instant application upon which claim 3 depends.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1, claim 10, and claim 11. Claims 1, 10, and 11 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1-17 are solicited.
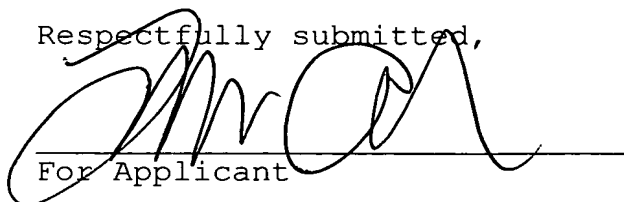
In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of $110.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

In view of the foregoing, reconsideration and allowance of claims 1-17 are solicited.

Respectfully submitted,

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For Applicant

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DRAWING AMENDMENTS

The attached sheet includes changes to sheet 1. This sheet which includes the figure of the drawing, replaces the original sheet including the figure. In the figure, previously labeled "Sets of storage elements" 2 and 3 were corrected to read "Set of storage elements."

Please approve the drawing changes that are marked in red on the accompanying "Annotated Sheet Showing Changes" of the figure. A formal "Replacement Sheet" of amended sheet 1 is also enclosed.

Attachments: Replacement Sheet

                 Annotated Sheet Showing Changes

Appl. No. 09/757,327
 Substitute   Amdt. Dated October 14, 2004
Replacement Sheet

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